

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 05-CR-286

AMANDA F. BUSTAMANTE and
CYNTHIA M. BUSTAMANTE,

Defendants.

DECISION AND ORDER ADOPTING RECOMMENDATION OF MAGISTRATE JUDGE
PATRICIA J. GORENCE (DOC. # 64), AND DENYING DEFENDANTS' ORAL MOTION
TO DISMISS THE COMPLAINT (DOC. # 1)

On November 22, 2005, Magistrate Judge Patricia J. Gorence issued a recommendation that this court deny the defendants' oral Motion to Dismiss the criminal complaint filed on November 10, 2005, arguing that the complaint failed to allege sufficient facts showing that the defendants had specific knowledge of a federal warrant for the arrest of a person, Joey Sanchez and Armando Barragan.

United States Magistrate Judge Gorence issued a recommendation that the defendants' motion to dismiss be denied. She found probable cause for the complaint because it was clear from the record that Sanchez and Barragan had been indicted by a federal grand jury; that warrants for their arrest were issued on October 7, 2005, by U.S. Magistrate Judge Aaron Goodstein; and that F.B.I. Special Agent Douglas Porinni testified that on November 9, 2005, he had spoken to the defendants, had advised them that Sanchez and Barragan had been indicted, were federal fugitives and that the defendants should not assist or harbor Sanchez and Barragan. The defendants did not object to this

recommendation in accordance with 28 U.S.C. §636(b)(1)(A) and General Local Rule 72.3. Because Judge Gorence's recommendation is not clearly erroneous and is supported by the record,

IT IS ORDERED that the November 22, 2005, recommendation of Magistrate Patricia J. Gorence is adopted.

IT IS FURTHER ORDERED that the defendants' motion to dismiss the complaint is denied.

Dated at Milwaukee, Wisconsin, this 10th day of January, 2006.

BY THE COURT

s/ C. N. CLEVERT, JR.
C. N. CLEVERT, JR.
U. S. District Judge

